

EXHIBIT 5

From: Lazaroff, Kelly A [Kelly.Lazaroff@skadden.com]
Sent: Friday, May 22, 2009 9:57 AM
To: John Mannix
Subject: RE: 340 W. Army Trail Road - Order
Attachments: chi2-754842-1.doc

Order attached.

Estoppels coming soon.

From: John Mannix [mailto:jmannix@merchantequity.net]
Sent: Friday, May 22, 2009 6:57 AM
To: Lazaroff, Kelly A (CHI)
Subject: Re: 340 W. Army Trail Road

Yes we will remove contingencies as described but will need immediate delivery of some documents to review, a full detailing of which we will deliver later today. Thanks

From: Lazaroff, Kelly A <Kelly.Lazaroff@skadden.com>
To: John Mannix
Cc: Alexandria Lucas; Fredericks, Ian S <Ian.Fredericks@skadden.com>
Sent: Thu May 21 12:37:41 2009
Subject: RE: 340 W. Army Trail Road
John,

While we are pleased to have received Merchant Equity's bid for the Bloomingdale property, there are two (related) problems.

We are up against an outside date of June 8 to assume or reject the leases. Based on the extremely compressed time frame, the Settlement and Contingencies provisions would have to come out.

Please advise if you are willing to proceed with these provisions taken out.

Thanks,
Kelly

Kelly A. Lazaroff
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From: Alexandria Lucas [mailto:alucas@merchantequity.net]
Sent: Thursday, May 21, 2009 11:32 AM
To: javallone@djmrealty.com
Cc: Lazaroff, Kelly A (CHI); John Mannix
Subject: 340 W. Army Trail Road

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly